

MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
Monday June 15, 2015
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin, B. Chandy, R. Hall, G. Lewis, P. Plante, K. Rawn, V. Ward
Members absent: B. Pociask, B. Ryan
Alternates present: P. Aho, K. Holt, S. Westa
Alternates absent: None
Staff present: Linda Painter, Director of Planning and Development
Jennifer Kaufman, Natural Resources and Sustainability Coordinator

Chairman Goodwin called the meeting to order at 7:00 p.m. and appointed alternates Holt and Westa to act.

Approval of Minutes:

a. June 1, 2015 Regular Meeting

Plante MOVED, Hall seconded, to approve the 6-1-15 minutes as presented. MOTION PASSED UNANIMOUSLY. Holt and Hall noted that they listened to the recording of the meeting.

b. June 10, 2015 Field Trip

Ward MOVED, Goodwin seconded, to approve the 6-10-15 field trip minutes as presented. MOTION PASSED with Ward and Goodwin in favor and all others disqualified.

Zoning Agent's Report:

None.

Public Hearings:

Special Permit Application, Efficiency Unit, 17 Olsen Drive; Adam Lambert, PZC File#1333

Chairman Goodwin opened the Public Hearing at 7:02p.m. Members present were Goodwin, Chandy, Hall, Lewis, Plante, Rawn, Ward and Alternates Aho, Holt and Westa. Holt and Westa were appointed to act. Painter read the legal notice as it appeared in The Chronicle on 6-2-15 and 6-10-15 and noted a 6/11/15 memo from Curt Hirsch, Zoning Agent.

Applicant Adam Lambert, 17 Olsen Drive, presented his application and acknowledged his understanding of the owner occupancy requirement and 2 person maximum restriction in the efficiency unit, despite his request for 2 bedrooms.

Arthur Smith, Mulberry Road, expressed his opposition to the application, stating his concerns for neighborhood and environmental impacts, referring to this application as a multi-family in a single family residential neighborhood. He also stated that he does not believe the intent of the regulation has been met and that approval of a 2 bedroom efficiency is not a common practice of this Commission.

Janet Lowe, Olsen Drive, expressed her opposition to the application, stating that Olsen Drive is a rural community. She is concerned with the potential for neighborhood disturbance.

Jan Fried, Olsen Drive, expressed her opposition to the application, questioned whether this property was the applicant's principal residence and stated her concerns for the impacts on the neighborhood as a result of what she believes is the owner's absenteeism.

Sherry Olsen, Mulberry Road, expressed her opposition to the application, stating that the neighborhood is one of modest homes and with residents of long standing duration. She is concerned that an efficiency unit has the potential to negatively impact the neighborhood.

Chairman Goodwin noted no further comments or questions from the Commission or the Public.

Plante MOVED, to close the Public Hearing. MOTION FAILED for a lack of a second.

Adam Lambert requested an opportunity to rebut opposition testimony. He stated that he works in Rocky Hill and resides only at 17 Olsen Drive. He has applied for the efficiency in order to increase his income.

Painter stated, in response to concerns from the neighbors, that if the house is sold, the new owner is also required to meet all conditions of the regulations governing efficiency units, including the certification and tenancy requirements. These conditions are filed on the land records and run with the property, not the present owner of the property.

At 7:30 p.m. Plante MOVED, Holt seconded, to close the Public Hearing. MOTION PASSED UNANIMOUSLY.

Gravel Permit Renewals

Chairman Goodwin opened the Public Hearing at 7:31 p.m. Members present were Goodwin, Chandy, Hall, Lewis, Plante, Rawn, Ward and Alternates Aho, Holt and Westa. Holt and Westa were appointed to act. Painter read the legal notice as it appeared in The Chronicle on 6-2-15 and 6-10-15 and noted a 6-8-15 memo from Curt Hirsch, Zoning Agent.

Applicants Hall, Banis and Green were present and each stated that there has been no significant change to their operation(s) in the last year. It was noted by Painter that Hirsch's report states that he has not received any complaints on any of the renewal properties.

Chairman Goodwin noted no further comments or questions from the Commission or the Public.

At 7:36 p.m. Rawn MOVED, Chandy seconded, to close the Public Hearing. MOTION PASSED UNANIMOUSLY.

Special Permit Application, Efficiency Unit, 5 Hillside Circle; Steven Sorrels, PZC File#1332

Chairman Goodwin opened the continued Public Hearing at 7:37 p.m. Members present were Goodwin, Chandy, Hall, Lewis, Plante, Rawn, Ward and Alternates Aho, Holt and Westa. Holt and Westa were appointed to act. Painter noted a 6/11/15 memo from Curt Hirsch, Zoning Agent.

It was noted that the hearing was kept open pending the filing of the neighborhood notifications. Hirsch noted in his memo that those notifications have been received.

Chairman Goodwin noted no comments or questions from the Commission or the Public.

At 7:40 p.m. Rawn MOVED, Hall seconded, to close the Public Hearing. MOTION PASSED UNANIMOUSLY.

Old Business:

a. Special Permit Application, Efficiency Unit, 5 Hillside Circle; Steven Sorrels, PZC File#1332

Rawn MOVED, Hall seconded, that the 4/23/15 special permit application for an efficiency unit at 5 Hillside Circle, submitted by Steven Sorrels, as described in a 4/27/15 statement of use and shown on a series of plans dated 4/23/15, and as presented at a public hearing on 6/1/15 and 6/15/15, be approved with the following conditions:

1. This approval has been granted for a one-bedroom efficiency unit in association with a single-family home having four additional bedrooms.

2. This approval is conditioned upon continued compliance with Mansfield's Zoning Regulations for efficiency units, which include owner-occupancy requirements, limitations on the number of residents in an efficiency unit and limitations on the number of unrelated individuals that may live in a dwelling unit pursuant to the definition of Family contained in the Zoning Regulations. These limitations apply regardless of the number of bedrooms present in the home. Pursuant to Article X, Section L.2, the owner shall submit a notarized affidavit certifying owner occupancy and a written statement regarding compliance with efficiency unit regulations every two years, starting on January 1, 2016. This requirement shall apply to present and all future owners.
3. This approval waives the requirement for an A-2 survey plan as the information is not needed to determine compliance with the regulations.
4. This special permit shall not become valid until filed upon the Land Records by the applicant.

MOTION PASSED UNANIMOUSLY.

b. Special Permit Application, Efficiency Unit, 17 Olsen Drive; Adam Lambert, PZC File#1333

Members discussed the concerns raised by the public testimony, including the concern regarding a two bedroom unit. Although a two bedroom unit is unusual, the regulations do not restrict the number of bedrooms, only the number of inhabitants in a unit. Members noted that if any issues arise, (as is the case with any efficiency unit), a complaint can be made to the Zoning Enforcement Agent. Members suggested placing this regulation on the Regulatory Review Committee's agenda for review.

Westa MOVED, Holt seconded, that the 5/7/15 special permit application for an efficiency unit at 17 Olsen Drive, submitted by Adam Lambert, as described in a 5/7/15 statement of use and shown on a series of plans dated 5/7/15, as revised to 5/26/15, and as presented at a public hearing on 6/15/15, be approved with the following conditions:

1. This approval has been granted for a two-bedroom efficiency unit in association with a single-family home having four additional bedrooms.
2. Prior to the issuance of a Certificate of Zoning Compliance for the efficiency, the applicant shall construct a walkway, suitable to the Zoning Agent, connecting the exterior door of the efficiency unit with another existing walkway.
3. This approval is conditioned upon continued compliance with Mansfield's Zoning Regulations for efficiency units, which include owner-occupancy requirements, limitations on the number of residents in an efficiency unit and limitations on the number of unrelated individuals that may live in a dwelling unit pursuant to the definition of Family contained in the Zoning Regulations. These limitations apply regardless of the number of bedrooms present in the home. Pursuant to Article X, Section L.2, the owner shall submit a notarized affidavit certifying owner occupancy and a written statement regarding compliance with efficiency unit regulations every two years, starting on January 1, 2016. This requirement shall apply to present and all future owners.
4. This approval waives the requirement for an A-2 survey plan as the information is not needed to determine compliance with the regulations.
5. This special permit shall not become valid until filed upon the Land Records by the applicant.
6. The applicant is reminded that a Building Permit is required for renovations to create the efficiency unit and a review for code-complying windows in the bedrooms will be conducted at that time.

MOTION PASSED with all in favor except Plante who was opposed.

c. Gravel Permit Renewals:

Steven Banis, Pleasant Valley Rd., PZC #1164; Karen Green, Stafford Rd., PZC #1258; Edward Hall, Old Mansfield Hollow Rd., PZC #910-2

Holt MOVED, Hall seconded, to approve the Banis and Hall renewal requests with the same conditions as 2014, and to approve the Green renewal request with the same conditions as 2014 with a change to condition #3 deleting the "Inland Wetlands Agent" from the end of the sentence. MOTION PASSED UNANIMOUSLY.

d. Special Permit Application, Efficiency Unit, 10 Meadowood Road; Germaine Mama, PZC File#1334

Tabled pending 7/6/15 Public Hearing.

e. Mansfield Tomorrow: Plan of Conservation and Development (Dec 2014 Public Hearing Draft)

Members briefly discussed some issues they felt should be reviewed based on comments received from the public and agreed to hold a Special Meeting on June 29th at 7 p.m. in Council Chambers to work solely on the Draft POCD.

f. Appointment of a PZC Member to the Sustainability Committee

Holt volunteered to be the PZC representative to the Sustainability Committee. Her appointment was approved by acclamation.

New Business:

a. Subdivision Referral, Browns Road and Coventry Road, Willard J. Stearns & Sons, Inc., PZC File#1335

This item was added to the 7/15/15 field trip agenda.

Mansfield Tomorrow:

No update provided.

Reports from Officers and Committees:

None.

Communications and Bills:

Painter noted the DEEP Permit that was issued for the Coventry Dam Bridge.

Adjournment:

The Chair declared the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Vera S. Ward, Secretary